

116TH CONGRESS
1ST SESSION

H. R. 5335

To require the Secretary of Energy to establish or designate the Distributed Energy Opportunity Board to carry out a program to facilitate a voluntary streamlined processes for local permitting of distributed renewable energy, energy storage, and electric vehicle charging systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2019

Mr. TONKO (for himself, Mr. FORTENBERRY, and Mrs. LEE of Nevada) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of Energy to establish or designate the Distributed Energy Opportunity Board to carry out a program to facilitate a voluntary streamlined processes for local permitting of distributed renewable energy, energy storage, and electric vehicle charging systems, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Energy Op-
3 portunity Act of 2019”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **AUTHORITY HAVING JURISDICTION.**—The
7 term “authority having jurisdiction” means any
8 State, county, local, or Tribal office or official with
9 jurisdiction—

10 (A) to issue permits;

11 (B) to conduct inspections to enforce the
12 requirements of a relevant code or standard; or

13 (C) to approve the installation of, or the
14 equipment and materials used in the installa-
15 tion of, qualifying distributed energy systems.

16 (2) **BOARD.**—The term “Board” means the
17 Distributed Energy Opportunity Board established
18 or designated under section 3(a).

19 (3) **DISTRIBUTED ENERGY SYSTEM IN-**
20 **STALLER.**—The term “distributed energy system in-
21 staller” means an entity or individual—

22 (A) with knowledge and skills relating to—

23 (i) the construction and operation of
24 the equipment used in qualifying distrib-
25 uted energy systems; and

1 (ii) the installation of qualifying dis-
2 tributed energy systems; and

3 (B) that has employed safety training to
4 recognize and avoid the hazards involved in con-
5 structing, operating, and installing qualifying
6 distributed energy systems.

7 (4) QUALIFYING DISTRIBUTED ENERGY SYS-
8 TEM.—The term “qualifying distributed energy sys-
9 tem” means any equipment or materials installed in,
10 on, or near a residential, commercial, or industrial
11 building to support onsite or local energy use, in-
12 cluding—

13 (A) to generate electricity from distributed
14 renewable energy sources, including from—

15 (i) solar photovoltaic modules or simi-
16 lar solar energy technologies;

17 (ii) wind power systems; and

18 (iii) hydrogen electrolysis and fuel cell
19 systems;

20 (B) to store and discharge electricity from
21 batteries with a capacity of at least 2 kilowatt
22 hours;

23 (C) to charge a plug-in electric drive vehi-
24 cle at a power rate of at least 2 kilowatts;

25 (D) to refuel a fuel cell electric vehicle; or

1 (E) to store and discharge electricity from
 2 fuel cell systems with a capacity of at least 2
 3 kilowatt hours.

4 (5) SECRETARY.—The term “Secretary” means
 5 the Secretary of Energy.

6 **SEC. 3. ESTABLISHMENT OR DESIGNATION OF THE DIS-**
 7 **TRIBUTED ENERGY OPPORTUNITY BOARD.**

8 (a) IN GENERAL.—Not later than 180 days after the
 9 date of enactment of this Act, the Secretary, in consulta-
 10 tion with trade associations and other entities representing
 11 distributed energy system installers and organizations rep-
 12 resenting State, local, and Tribal governments engaged in
 13 permitting, shall establish or designate a nonprofit cor-
 14 poration, to be known as the “Distributed Energy Oppor-
 15 tunity Board”, to carry out a program to streamline the
 16 process for local permitting and inspection of qualifying
 17 distributed energy systems.

18 (b) COMPOSITION.—The Board shall include rep-
 19 resentatives from—

20 (1) relevant Federal agencies, or organizations
 21 that represent those agencies;

22 (2) State, local, and Tribal governments, or or-
 23 ganizations that represent those governments;

24 (3) distributed energy generation companies;

25 (4) battery storage companies;

1 (5) associations that represent the distributed
2 energy generation and battery storage industry;

3 (6) building code agencies and organizations,
4 including a model energy code-setting organization;

5 (7) other codes and standards organizations;
6 and

7 (8) fuel cell system companies.

8 (c) PURPOSE AND ACTIVITIES OF THE BOARD.—

9 (1) PURPOSE.—The purpose of the Board is to
10 establish a voluntary program for facilitating—

11 (A) streamlined permitting processes of
12 qualifying distributed energy systems; and

13 (B) certification of distributed energy sys-
14 tem installers.

15 (2) ACTIVITIES.—The Board shall—

16 (A) develop and maintain a streamlined
17 permitting process, such as a national online
18 permitting system and technology platform for
19 expediting, standardizing, and streamlining per-
20 mitting, that authorities having jurisdiction
21 may use, at the discretion of those authorities,
22 to receive, review, and approve permit applica-
23 tions relating to qualifying distributed energy
24 systems;

1 (B) establish a model expedited permit-to-
2 build protocol for qualifying distributed energy
3 systems;

4 (C) provide technical assistance to authori-
5 ties having jurisdiction on using and adopting—

6 (i) the streamlined permitting process
7 described in subparagraph (A); and

8 (ii) the model expedited permit-to-
9 build protocol described in subparagraph
10 (B);

11 (D)(i) investigate the development of vol-
12 untary national certifications for distributed en-
13 ergy system installers and qualifying distributed
14 energy systems; and

15 (ii) if the Board determines that the na-
16 tional certifications would expedite and stream-
17 line the permitting and inspection process, de-
18 velop the voluntary national certifications;

19 (E) develop and maintain a voluntary na-
20 tional inspection protocol integrated with the
21 national online permitting system described in
22 subparagraphs (A) and (B) and related tools to
23 expedite, standardize, and streamline the in-
24 spection of qualifying distributed energy sys-
25 tems, including—

1 (i) by investigating the potential for
2 using remote inspections; and

3 (ii) by investigating the potential for
4 sample-based inspection for distributed en-
5 ergy system installers with a demonstrated
6 track record of high-quality work; and

7 (F) take any other action to expedite,
8 standardize, streamline, or improve the process
9 for permitting, inspecting, or interconnecting
10 qualifying distributed energy systems.

11 (d) FEE AUTHORITY.—The Board may assess fees
12 for the provision of services by the Board in amounts de-
13 termined reasonable and appropriate by the Board, includ-
14 ing fees from participating distributed energy system in-
15 stallers relating to the activities of the Board described
16 in subsection (c)(2).

17 (e) NONPROFIT STATUS.—The Board shall be consid-
18 ered to be an organization described in section 501(c)(3)
19 of the Internal Revenue Code of 1986, and exempt from
20 taxation under section 501(a) of that Code.

21 (f) SUPPORT SERVICES.—The Secretary shall—

22 (1) provide technical assistance to the Board in
23 carrying out the activities described in subsection
24 (c)(2); and

1 (2) provide such financial assistance to the
2 Board as the Secretary determines to be appropriate
3 from any funds appropriated to carry out this Act.

4 **SEC. 4. DISTRIBUTED ENERGY OPPORTUNITY COMMU-**
5 **NITIES.**

6 (a) IN GENERAL.—The Secretary shall recognize and
7 certify certain communities as “Distributed Energy Op-
8 portunity Communities”.

9 (b) QUALIFICATIONS.—The Secretary may certify a
10 State, local community, or Tribe as a “Distributed Energy
11 Opportunity Community” if that State, local community,
12 or Tribe has adopted and implemented the model expe-
13 dited permit-to-build protocol established by the Board.

14 (c) PROCESS.—The Secretary may confer a certifi-
15 cation under subsection (a) through existing programs of
16 the Department of Energy.

17 (d) GRANTS.—The Secretary may award competitive
18 grants, using funds appropriated to the Secretary to carry
19 out this Act, to encourage communities to adopt the model
20 expedited permit-to-build protocol and standardized in-
21 spection processes established by the Board.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the Sec-
3 retary to carry out this Act \$20,000,000 for each of fiscal
4 years 2020 through 2025.

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